

In the Office Communication dated December 31, 2002, the Examiner alleges that the above-identified application contains disclosures that are encompassed by the definitions for nucleotide and/or amino acid sequences set forth in 37 C.F.R. §§ 1.821(a)(1) and (a)(2), but that the application fails to comply with the requirements of 37 C.F.R. §§ 1.821-1.825 because, according to the Examiner, the term "Xab" contained in Claims 1, 13, 16, 19, 28 and 34 is "not allowed by sequence rules."

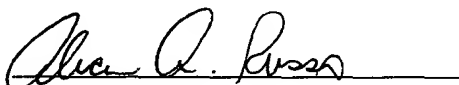
In response, Applicants have amended the specification as indicated herein to remove all reference to variable amino acids in a form other than "Xaa," as prescribed by 37 C.F.R. § 1.821. Applicants have not amended the paper or computer-readable copies of the Sequence Listing previously submitted in the above-identified application, because the Sequence Listing filed on November 12, 2001 was apparently found to be in compliance with the requirements of 37 C.F.R. §§ 1.821-1.825.

I hereby state that the amendments made to the instant application to comply with the requirements of 37 C.F.R. §§ 1.821-1.825 do not introduce new matter.

Applicants request herein a one month extension of time up to and including February 28, 2003 and include the required fee.

Applicants also enclose a copy of the Notice to Comply.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Louis S. Sorell", is written over a horizontal line.

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Encls.

VERSION WITH MARKINGS TO SHOW CHANGES MADE**IN THE CLAIMS**

Please amend Claims 1, 13, 16, 19, 28 and 34 to read as follows:

1. (Twice Amended) An isolated nucleic acid comprising a nucleic acid sequence encoding a thanatin peptide which comprises the amino acid sequence of Formula I:

(I) Xaa-Ile-Ile-Tyr-Cys-Asn-Arg-Arg-Thr-Gly-Lys-Cys-Xaa[Xab] (SEQ ID NO:14)

in which

Xaa at position 1 represents [is]NH₂ or a variable number of 1-10 amino acid residues, [having a sequence from 1 to 10 amino acids,]and

Xaa [Xab] at position 13 represents [is]OH or a variable number of 0-5 amino acid residues.

13. (Twice Amended) A chimeric gene comprising a coding sequence operably linked to at least one heterologous regulatory element, wherein said coding sequence comprises a nucleic acid sequence encoding a thanatin peptide which comprises the amino acid sequence of Formula I:

(I) Xaa-Ile-Ile-Tyr-Cys-Asn-Arg-Arg-Thr-Gly-Lys-Cys-Xaa[Xab] (SEQ ID NO:14)

in which

Xaa at position 1 represents [is]NH₂ or a variable number of 1-10 amino acid residues, [having a sequence from 1 to 10 amino acids,]and

Xaa [Xab] at position 13 represents [is]OH or a variable number of 0-5 amino acid residues.

16. (Twice Amended) An expression vector comprising at least one replication origin and a chimeric gene which comprises a coding sequence operably linked to at least one heterologous regulatory element, wherein said coding sequence comprises a nucleic acid sequence encoding a thanatin peptide which comprises the amino acid sequence of Formula I:

(I) Xaa-Ile-Ile-Tyr-Cys-Asn-Arg-Arg-Thr-Gly-Lys-Cys-Xaa[Xab] (SEQ ID NO:14)

in which

Xaa at position 1 represents [is]NH₂ or a variable number of 1-10 amino acid residues, [having a sequence from 1 to 10 amino acids,]and

Xaa [Xab] at position 13 represents [is]OH or a variable number of 0-5 amino acid residues.

19. (Twice Amended) A transformed host cell comprising a chimeric gene which comprises a coding sequence operably linked to at least one heterologous regulatory element, wherein said coding sequence comprises a nucleic acid sequence encoding a thanatin peptide which comprises the amino acid sequence of Formula I:

- (I) Xaa-Ile-Ile-Tyr-Cys-Asn-Arg-Arg-Thr-Gly-Lys-Cys-Xaa[Xab] (SEQ ID
NO:14)

in which

Xaa at position 1 represents [is]NH₂ or a variable number of 1-10 amino acid
residues, [having a sequence from 1 to 10 amino acids,]and

Xaa [Xab] at position 13 represents [is]OH or a variable number of 0-5 amino
acid residues.

28. (Twice Amended) A method of transforming a cell of a host organism comprising contacting the cell of the host organism with a chimeric gene which comprises a coding sequence operably linked to at least one heterologous regulatory element, wherein said coding sequence comprises a nucleic acid sequence encoding a thanatin peptide which comprises the amino acid sequence of Formula I:

- (I) Xaa-Ile-Ile-Tyr-Cys-Asn-Arg-Arg-Thr-Gly-Lys-Cys-Xaa[Xab] (SEQ ID
NO:14)

in which

Xaa at position 1 represents [is]NH₂ or a variable number of 1-10 amino acid
residues, [having a sequence from 1 to 10 amino acids,]and

Xaa [Xab] at position 13 represents [is]OH or a variable number of 0-5 amino
acid residues

under conditions that permit said cell to take up said chimeric gene.

34. (Amended) A method of generating a transformed progeny plant comprising:

crossing a plant having at least one gametophyte comprising a chimeric gene
which comprises a coding sequence operably linked to at least one
heterologous regulatory element, wherein said coding sequence comprises
a nucleic acid sequence encoding the amino acid sequence of Formula I:

(I) Xaa-Ile-Ile-Tyr-Cys-Asn-Arg-Arg-Thr-Gly-Lys-Cys-Xaa[Xab] (SEQ ID
NO:14)

in which

Xaa at position 1 represents [is]NH₂ or a variable number of 1-10 amino acid
residues, [having a sequence from 1 to 10 amino acids,]and

Xaa [Xab] at position 13 represents [is]OH or a variable number of 0-5
amino acid residues; and

cultivating the plant under conditions that permit formation of at least one seed;

and

cultivating the seed under conditions that permit the seed to grow into a progeny
plant,

wherein the progeny plant retains the nucleic acid.